

BOARD OF COUNTY COMMISSIONERS

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At-Large

HERBERT W.A. THIELE County Attorney (850) 487-1008 **REQUEST FOR PROPOSALS**

for

TALLAHASSEE-LEON COUNTY

PLANNING COMMISSION COUNSEL

Proposal Number BC-02-05-04-22

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

> CITY COMMISSION CITY OF TALLAHASSEE

RFP Title: Request for Pi_rosals for Tallahassee-Leon County Planning Commission Counsel Page

Proposal Number: BC-02-05-04-22

Opening Date: Thursday, February 5, 2004 at 2:00 PM

REQUEST FOR PROPOSALS FOR TALLAHASSEE-LEON COUNTY PLANNING COMMISSION COUNSEL

The Board of County Commissioners of Leon County, Florida, for itself and on behalf of the City of Tallahassee, is seeking to locate counsel with extensive experience in land use law to serve as Planning Commission/Local Planning Agency counsel. This document invites your firm to submit a proposal to the Leon County Purchasing Division to perform such services for the County through the Office of the County Attorney and for the City of Tallahassee through the Office of the City Attorney.

Please note that although Planning Commission counsel's client is the Tallahassee-Leon County Planning Commission, counsel is paid by the City of Tallahassee and Leon County. Planning Commission Counsel must bill the City and County separately for time spent and expenses on City matters and time spent and expenses on County matters. Attorney's fees for mixed matters that involve both the City and County are billed jointly, according to a formula. For joint bills, counsel determines the City's share and the County's share, then mails separate bills. The current rate paid by the City and County for Planning Commission counsel is \$125.00 per hour.

I. QUALIFICATIONS

- Your firm must maintain a law office with a substantial practice within the State of Florida.
- 2. Your firm must possess demonstrated ability, knowledge, and expertise to provide Planning Commission counsel services. Preference will be given to those firms with a local presence. It is important that you have sufficient depth of talent and are able to allot a sufficient amount of time to meet the sometimes great demand that the governments will place upon counsel and be in a position to respond quickly and efficiently.

II. INFORMATION TO BE PROVIDED

The following information must be provided:

- A listing and profile of all attorneys with your firm who have experience as Planning Commission (or the equivalent) counsel or other local government agencies. A response to this section should also include information as to the length of time that your firm has provided such services.
- 2. Resumés of partners and principals who will be assigned to the account, which information should include an indication of the experience that each attorney possesses relative to land use representation. Please indicate the primary partner that will be responsible for the Planning Commission account. Location of offices of persons who will be assigned to the account.
- 3. Resumés of associates or other staff that you anticipate assigning to the account.
- 4. A listing of specific land use issues and matters handled by the firm within the last five (5) years.
- 5. A description of the general capabilities of your firm, including information relating to total size and staffing, research capability, professional staff and clerical support, previous representations of public sector clients in Florida, including Leon County and the City of Tallahassee, for land use and planning issues, matters, and cases (both administrative and judicial).
- 6. Please provide a proposed fee schedule to include any and all charges that may be billed to the City or County.

Attachment #

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- Please identify all pending litigation, or litigation concluded within the past five years, in which the firm is, or was, involved as counsel to a party or in which your firm or any predecessor firm is a named defendant. For each such case or claim state:
 - a. The style of the case:
 - b. A summary of the nature of the case or claim:
 - The status of the case or claim (i.e., in Circuit Court, on appeal to the District Court; awaiting C. Certiorari):
 - d. The approximate dollar amount involved, if any; and,
 - Improper conduct alleged, if any,
- Please state whether your firm has current malpractice insurance. If your firm is insured, please state:
 - a. Name of carrier and policy number:
 - Effective dates of insurance; b.
 - C. Policy exclusions, if any; and
 - d. Current coverage amounts.

Furthermore, please provide all pertinent information on any and all litigation against your firm or attorneys within your firm which is currently pending or which has been concluded within the past five years for other than nominal amounts.

- Please list any existing or potential conflicts of interest your firm may have which may be affected under this program, including but not limited to representation of entities or persons which are or may be doing business with or are employed by Leon County or the City of Tallahassee, have applications planned or pending for development orders or approvals or other land use review, and/or have claims for damages against Leon County, the Constitutional Officers of Leon County, or the City of Tallahassee. Should present or potential conflicts exist, please specify the party with which there is a conflict, the nature of the conflict, and whether the prospective counsel would or would not set aside or resign from the engagement or representation creating the conflict in relation to Leon County or the City of Tallahassee.
- MINORITY/WOMEN BUSINESS ENTERPRISE AND EQUAL OPPORTUNITY POLICIES
 - Minority/Women Business Enterprise Requirements

Firms responding to this RFP are hereby made aware of the County's goals for M/WBE utilization. Respondents should contact Agatha Muse-Salters, Leon County MWBE Director, at phone (850) 488-7509; fax (850) 487-0928 for additional information. As a part of the selection process for this project, the ranking procedure will provide a maximum of ten (10) percent of the total score where MBE's are used as follows:

MBE Part	icipation Level	<u>Points</u>
•	The respondent is certified as a Minority/Woman Business Firm with Leon County, as defined in the County's M/WBE policy.	10

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· · · · · · · · · · · · · · · · · · ·	The respondent is a joint venture of two or more firms/individuals with a minimum participation in the joint venture of at least 20% by certified minority/women business firms/individuals.	8
	The respondent has certified that a minimum of 15.5% of the ultimate fee will be subcontracted to certified MWBE Firm(s), and has identified in the proposal the MWBE Firm(s) that it intends to use.	6

B. Equal Opportunity/Affirmative Action Requirements

The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

In addition to completing the Equal Opportunity Statement, the Respondent shall include a copy of any affirmative action or equal opportunity policies in effect at the time of submission.

11. Any person submitting a bid or proposal in response to this invitation must execute the enclosed Sworn Statement Under Section 287.133(3)(a), <u>Florida Statutes</u>, On Public Entity Crimes, including proper check(s), in the space(s) provided, and enclose it with the bid/proposal. However, if you have provided the completed form to the submittal address listed in this invitation and it was received on or after January 1, 1999, the completed form is not required for the balance of the calendar year.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

III. GENERAL INFORMATION

 An original and seven copies of your proposal must be submitted no later than 2:00 PM on Thursday, February 5, 2004. Late proposals may be rejected by the County. The proposals should be forwarded in a sealed envelope/package addressed to:

RFP#: BC-02-05-04-22
Purchasing Division
Leon County Board of County Commissioners
2284 Miccosukee Road
Tallahassee, Florida 32308

2. All communications and questions concerning the request for proposal should be directed <u>only</u> to Keith Roberts, Purchasing Director, at phone: (850) 488-6949; facsimile; (850) 922-4084. This includes any questions concerning the required submittals, evaluation criteria, proposal schedule, and selection process. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Board. Also, only communications

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from firms which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of proposers.

- 3. Leon County and the City of Tallahassee reserve the right to reject any or all proposals, to further negotiate any proposals, to waive any irregularities or informality, to accept or reject any items or combination of items, to request clarification of information submitted in any proposal, and to request additional information from any proposer. Only responses which provide complete information in accordance with the requirements of this Request for Proposals will be considered for evaluation. All proposals submitted shall be valid for a period of ninety days from the date of submission.
- 4. Neither Leon County nor the City of Tallahassee will not be liable for any costs incurred by your firm in the preparation and production of a response to this request, or for the costs of any services performed prior to the selection of Planning Commission counsel. All proposals and materials submitted in conjunction with the proposals will become the property of Leon County for use as deemed appropriate.
- Please include the name, address, and telephone number of a person within your firm who will be the firm's primary contact concerning this request. All responses should be in the form of a separate sealed proposal.
- 6. Special Accommodation: Any person requiring a special accommodation at a Pre-Bid Conference or Bid/RFP opening because of a disability should call the Division of Purchasing at (850) 488-6949 at least five (5) workdays prior to the Pre-Bid Conference or Bid/RFP opening. If you are hearing or speech impaired, please contact the Purchasing Division by calling the County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955-8771 (TDD).
- 7. Audits, Records, And Records Retention The Contractor shall agree:
 - a. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the City/County under this contract.
 - b. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this contract for a period of five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this contract.
 - c. Upon completion or termination of the contract and at the request of the City/County, the Contractor will cooperate with the City/County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1 above.
 - d. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the City/County.
 - e. Persons duly authorized by the City/County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), shall have full access to and the right to examine any of provider's contract and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
 - f. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

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8. Monitoring

To permit persons duly authorized by either Leon County or the City of Tallahassee to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this contract, and interview any clients and employees of the provider to assure the City or County of satisfactory performance of the terms and conditions of this contract.

Following such evaluation, the City or County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this contract. The provider will correct all noted deficiencies identified by the City or County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the City or County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this contract; (2) the withholding of payments to the provider by the City or County; and (3) the termination of this contract for cause.

9. Ethical Business Practices

- a. <u>Gratuities</u>. It shall be unethical for any person to offer, give, or agree to give any City/County employee, or for any City/County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.
- b. <u>Kickbacks.</u> It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- c. The Board and City Commission reserve the right to deny award or immediately suspend any contract resulting from this proposal pending final determination of charges of unethical business practices. At their sole discretion, the Board or City Commission may deny award or cancel the contract if it determines that unethical business practices were involved.

IV. CRITERIA FOR SELECTION AND EVALUATION

All written proposals will be reviewed by a five member Evaluation Committee composed of the Leon County Attorney, the City Attorney, a member of the Planning Commission, and other appropriate City/County staff, and will be evaluated on the basis of the perceived ability of the firm to meet the demands of the Planning Commission in a timely and efficient manner.

Personal interviews may be conducted at the discretion of the Evaluation Committee. A recommendation shall then be made to the Board of County Commissioners and the City Commission which shall make the final selection(s).

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Primary & Secondary Attorneys	15
Firm's Past Experience, Demonstrated Ability and	
Understanding of the Requirement	35
Sufficiency of the Proposal	15
Firm's Ability to Provide Support to the Agency	20
Minority Business Enterprise Participation	10
Location	. 5
Volume Of Agency Work	0
Maximum Points Allowed	100

Definitions of the criteria are as follows:

Primary & Secondary Attorneys

Past experience in providing the same type of service requested by the Agency.

Demonstrated ability to effectively and accurately communicate and work with the client.

Current workload. Capacity to perform the tasks required in a timely and complete manner.

Firm's Past Experience, Demonstrated Ability, and Strategic Direction

Past experience of the firm in providing services similar to those requested herein.

Ability, capacity, and skill of the firm to perform the requested services on a timely basis.

Independence of the firm to be performing the requested services from other clients.

Responses of the client references.

Continuing direction and vision of the firm.

Sufficiency of the Proposal

- Demonstration of the firm's understanding of the Agency's objectives, and the needs as stated herein.
- The firm's approach to servicing the Agency and the methods they will use to carry out their responsibilities.
- Compliance with the proposal preparation instructions and adequacy of information presented.

Firm's Ability to Objectively Provide Support to the Agency

The lack of actual or perceived conflicts of interest and the ability of the firm to provide legal opinions without outside influence from other clients. The ability of the firm to be unbiased in their legal support.

MWBE Participation

Minority Business Enterprises - Qualified firms may receive up to a maximum of 10 Points for minority business participation, if any, as outlined in Section II, paragraph 9 of the RFP.

Local Preference

The proximity of the firm in relation to the requirements of the project. For the purpose of this proposal, "local business" shall be the location of the permanent business of the primary and secondary attorneys assigned to the Agency and:

- a) Has had a fixed office or distribution point located in and having a street address within the four county area of Leon, Wakulla, Gadsden and Jefferson for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the Agency; and
- b) Holds any business license required by the four county area of Leon, Wakulla, Gadsden, and Jefferson (please attach copies); and

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c) Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in the four county area of Leon, Wakulla, Gadsden, and Jefferson, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in the four county area of Leon, Wakulla, Gadsden, and Jefferson.

Certification Process:

Any vendor claiming to be a local business as defined, shall so certify in writing to the Leon County Purchasing Division. The certification shall provide all necessary information to meet the requirements of the above definition. The Local Vendor Certification Form is enclosed as Attachment C. The City of Tallahassee purchasing agent shall have the sole discretion to determine if a vendor meets the definition of a "local business."

The RFP ranking procedure will provide for 5 points for Local Preference. The evaluation of Local Preference will be based on the Local Vendor Certification Form submitted. Partial points will not be given.

Volume of Agency Work

Although a standard element of evaluation for County procurements, Volume Of Agency Work will not be evaluated in this RFP.

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SWORN STATEMENT UNDER SECTION 287.133(3)(a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

ne City of Tallahassee by	e]		,
or			<u> </u>
[print name of entity submitting sworn statement]	•		•
vhose business address is:			•
			- :
and (if applicable) its Federal Employer Identification Nu	mber (FEIN) is	·	
(If the entity has no FEIN, include the Social Security Nu	mber of the individual	signing this swor	n
statement:	·	1	

- 2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Plonda Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
- 3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), <u>Florida Statutes</u>, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
- 4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 - A predecessor or successor of a person convicted of a public entity crime: or
 An entity under the control of any natural person who is active in the management of the
 - entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
- 5. I understand that a "person" as defined in Paragraph 287.133(1)(e), <u>Florida Statutes</u>, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term

Attachment RFP Title: Request for Proposals for Tallahassee-Leon County Planning Commission Counsel Proposal Number: BC-02-05-04-22 Opening Date: Thursday, February 5, 2004 at 2:00 PM "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity. 6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.] Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However there has been a subsequent proceeding before a hearing a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. [Attach a copy of the final order.] I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM. (signature) Sworn to and subscribed before me this OR Produced identification Personally known (Type of identification) **NOTARY PUBLIC**

Form PUR 7068 (Rev 06/11/92)

Notary Public - State of

My commission expires:

Printed, typed, or stamped

commissioned name of notary public

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EQUAL OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT

- 1. The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.
- 2. In addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

S	igned: Title:
TI PI	ne Bidder acknowledges the Leon County EEO/AA policy and the provisions specified for this request for roposals. In witness, hereof, the Bidder has hereunto set his signature and affixed his seal this day o A.D., 20
	Other:
	The organization does not currently have a policy.
	A copy of any policy in effect at the time of this proposal is included.
	Please check the appropriate response.
5.	affirmative action or equal opportunity policies in effect at the time of submission.

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MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION PLAN

ESPONDENT		<u> </u>	-
MBE Participation Levels	.	<u>Points</u>	
The respondent is ce with Leon County, as	ertified as a Minority/Woman Business defined in the County's M/WBE policy	Firm 10	
with a minimum parti	joint venture of two or more firms/indiv icipation in the joint venture of at least men business firms/individuals.	iduals 20% by 8	•
ultimate fee will be s	certified that a minimum of 15.5% of the subcontracted to certified M/WBE Firm the proposal the M/WBE Firm(s) that	(s),	
participation credit. Please provide the corresponding letters: African Am	st be certified by the City of Tallahasse ne following information for each MWE terican (B), Asian American (A), Hispan mit proof of certification with your p	BE. Please indicate minor nic American (H), Native /	ity groups by using American (N) and Non
Name, Address, and Phone	Materials/Services	Amount	Group
			
		·	
		-	
Total Value of M/WBE Participation Total Project Base Bid:	\$	- -	·
M/WBE Participation as % of Total The vendor acknowledges the Leor certifies that the above list of minor	Base Bid: n County MWBE policy and the provisity vendors and the respective contract	% ions specified for this RF t amounts and percentac	P. If applicable, vendor les of the total bid are
accurate. Signed:	Title:	· .	Date

LOCAL VENDOR CERTIFICATION

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The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean a business which:

a) Has had a fixed office or distribution point located in and having a street address within Leon County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by the County; and

b) Holds any business license required by the County, and, if applicable, the City of Tallahassee (please attach copies); and

c) Employs at least one (1) full time employee, or two (2) part time employees whose primary residence is in Leon County, or, if the business has no employees, the business shall be at least fifty percent (50%) owned by one or more persons whose primary residence is in Leon County.

Please complete the following in support of the self-certification and submit copies of your County and City business licenses. Failure to provide the information requested will result in depict of certification as a local business.

Business Name:		Phone:
Current Local Address:		Fax:
If the above address has been for less than six months,	please provide the prior address.	
Length of time at this address		
Number of Employees and hours worked per week by e	ach:	
Name and Address of Owner(s) who reside in Leon Co. 50% or more of the business. Attach additional sheets		Percentage of Ownership
1.		
2.		
Signature of Authorized Representative	Date	
STATE OF		
The foregoing instrument was acknowledged before me	thisday of	, 20
(Name of officer or agent, title of officer or agent)	(Name of corporation acknown, on behalf of the corporation. He/sh	owledging)
or has produced(type of identificati	as identification.	
	Signature of Notary	
Return Completed form with supporting documents to:	Print, Type or Stamp Name	e of Notary
Leon County Purchasing Division 2284 Miccosukee Road	Title or Rank	· .
Tallahassee, Florida 32308	Serial Number, If	Anv